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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,787	05/25/2001	Bernd Walther	VMP-490-A	3330

7590

07/30/2003

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EXAMINER

ADDISON, KAREN B

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/856,787	<b>Applicant(s)</b> WALTHER, BERND	
	<b>Examiner</b> Karen B Addison	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Allowable Subject Matter***

1. Claims 1-10 and 16-20 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: prior art fails to show a roller bearing mechanism operably connected to the second end portion of the shaft, the roller bearing mechanism having a rotatable inner race operably connected to the shaft, on one side of the shaft side, and an outer stationary race, and a plurality of ball bearings positioned between the inner and outer races; and an axial thrust generating device having a tapered sliding member supported for movement in a radial direction relative to the shaft and supported at an opposite end of the shaft from the support bearing so that axial force can be applied to the shaft through the roller bearing mechanism in the direction of the support bearing by moving the tapered sliding member radially.

Claim 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cagnon (35492180)

Cagnon discloses in fig. 1-3 a drive device for a windshield wiper comprising: a housing (28), an electric motor (10) located in the housing with a rotating armature (11), a shaft

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having a first end and a second end portion; a gear unit located in the housing with a worm (26) located on the intermediate portion of the armature shaft, a support bearing supporting one end of the shaft and an axial thrust generating device (b) to compensate for the axial free play of the armature (11); characterized in that one end(C) of the armature is supported at the housing through a support bearing (23); wherein, the axial thrust device (49) located on a opposite end of the armature from the axial thrust possesses a tapered sliding member (43) supported in the housing and is movable in a radial direction relative to the armature supported against the shaft, so that the axial force can be applied to the armature shaft in the direction of the support bearing by moving the tapered sliding member (43) wherein a displacing force fan be applied to the tapered sliding by means of a spring element(leaf spring 51).

Claims 12,14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cagnon in view Giandinoto (3848477).

Cagnon discloses substantially the claim invention, However, Cagnon does not disclose a helical spring.

Giandinoto discloses in fig.1 a drive device for a windshield wiper comprising: worm armature (M) supported by bearings (M1M2), a gear (R2), sliding member (26) and a helical spring for the purpose of exerting force on the sliding member. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drive device of Cagnon with the helical spring of Giandinoto for the purpose reducing torque provided by the spring.

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It also would have been obvious to one having ordinary skill in the art at the time the invention was made to select a spring made of rubber or plastic, since it has been held to be within the general skill of a worker in the art to select a know material on the basis of it's suitability for the intended use as a matter of obvious design choice. In re Leshin 125 USPQ 416.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 703-306-5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

KBA  
July 26, 2003



Nicholas Ponomarenko  
Primary Examiner  
Technology Center 2806